IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY SEVENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and
THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

WRIT PETITION NO : 17519 of 2004

Between:

Andhra Cements Mining Workers Union represented by its General Secretary Sri U.Goverdhan Rao, Durgapuram, Dachepalli (Mandal) Dist.Guntur, Andhra Pradesh.

..... PETITIONER

AND

1 Appellate Authority for Industrial & Financial Reconstruction (AAIFR), Indra Prakash Building, K.G.Marg, New Delhi-110 001.
2 Board for Industrial and Financial Reconstruction (BIFR) Jawahar

Vyapar Bhavan, 1, Tolstoy Marg, New Delhi-110 001.
3 Industrial Development Bank of India (IDBI) Rehabilitation Finance

Dept., IDBI Tower, Cuffe Parade, Mumbai-400 005.
4 M/s.Andhra Cements Limited (ACL) (A Public Limited Company

incorporated under the Companies Act, 1956) Corporate Office at

2nd Floor, Chandralok Complex, 111, S.D.Road,

Secunderabad-500 003.
5 Duncans Industries Ltd., 31, Netaji Subhash Road, Kolkata-700 001.
6 Joint Secretary, Industries & Commerce Dept., Secretariat, Govt. of Andhra Pradesh, Hyderabad.
7 Secretary, Dept., of Industrial Development, Ministry of Industry, Udyog Bhawan, New Delhi.

8 Durga Estates, Lotus Land Mark,
C.K.Reddy Road, Ayodhya Nagar,
Vijayawada-520 003.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of mandamus declaring the order passed by the 1st respondent in Appeals No.90/2004 and 148/2004, dated 8-7-2004 staying the order of the BIFR dated 17/4/2003 and further directing the IDBI to implement the Memorandum of Understanding dated 7/2/2003 after issuing the 'No Objection Certificate' and releasing the title deeds on pro rata basis to the extent of sale consideration, under Section 25 of the Sick Industrial Companies (Special Provisions) Act, 1985 as being violative of the principles of natural justice, opposed to equity, justice and the very object and purpose of the SICA and consequently set-aside the orders of the 1st respondent in Appeals No.90/2004 and 148/2004, dated 8-7-2004.

Counsel for the Petitioner:MR.BADRI.VENKATA REDDY

Counsel for Respondent Nos.1, 2 and 7: Mr. A. Rajasekhara Reddy, SC for Central Government.

Counsel for the Respondent Nos.3,4 and 8: Mr.CH.Ramesh Babu

Counsel for the Respondent No.5: None appeared

Counsel for the Respondent No.6: The G.P. for Industries and Commerce

The Court made the following :

ORAL ORDER: (per the Hon'ble the Chief Justice)

The order dated 8th July, 2004 staying the order of BIFR dated 17th April, 2003 was challenged in this writ petition. During the pendency of the writ petition, on 17th November, 2004, final orders have been passed by the Appellate Authority for Industrial and Financial Reconstruction, against which writ petition No.22820 of 2004 was filed, which was dismissed on 9-12-2004.

The writ petition is accordingly rendered infructuous and is disposed of as such.

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DEVINDER GUPTA, CJ

27-12-2004

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B.SESHASAYANA REDDY, J

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To

1 The Appellate Authority for Industrial & Financial Reconstruction (AAIFR), Indra Prakash Building, K.G.Marg, New Delhi-110 001.
2 The Board for Industrial and Financial Reconstruction (BIFR) Jawahar Vyapar Bhavan, 1, Tolstoy Marg, New Delhi-110 001.
3 The Industrial Development Bank of India (IDBI) Rehabilitation Finance Dept., IDBI Tower, Cuffe Parade, Mumbai-400 005.

4 The Joint Secretary, Industries & Commerce Dept.,
Secretariat, Govt. of Andhra Pradesh, Hyderabad.
5 The Secretary, Dept., of Industrial Development, Ministry of Industry,
Udyog Bhawan, New Delhi.
6 2 CCs to the Govt. Pleader for Industries and Commerce, High Court

Buildings, Hyderabad (OUT).

7 2 CD copies.